

## FACSIMILE COVER SHEET

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**TO:** Examiner Susan Marie Hanley  
U.S. Patent Office, Examining Group 1651

**FAX NO.:** (703) 872-9306

**FROM:** Doran R. Pace

**DATE:** April 12, 2005

**NO. OF PAGES (INCLUDING COVER SHEET):** 5

**SUBJECT/MESSAGE:**

**Re:** U.S. Patent Application Docket No. GJE-81  
OPTICAL MICROSCOPY AND ITS USE IN THE STUDY OF CELLS  
(Korchev, Klenerman, Lab)  
Serial No. 10/030,868; filed October 18, 2001

**Attachment:** Request for Refund (4 pages, including attachments)

**OFFICIAL COMMUNICATION  
PLEASE DELIVER TO EXAMINER HANLEY  
IMMEDIATELY**

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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on April 12, 2005.

  
Doran R. Pace, Patent Attorney

REQUEST FOR REFUND  
Examining Group 1651  
Patent Application  
Docket No. GJE-81  
Serial No. 10/030,868

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Susan Marie Hanley  
Art Unit : 1651  
Applicants : Yuri Evgenievich Korchev, David Klenerman, Max Joseph Lab  
Serial No. : 10/030,868  
Filed : October 18, 2001  
Conf. No. : 8909  
For : Optical Microscopy and its Use in the Study of Cells

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR REFUND BASED ON IMPROPER CLAIM CALCULATION

Sir:

Applicants respectfully request a refund in the above-referenced patent application for the following reason:

Applicants respectfully assert that a total of 35 claims were presented when the subject application was filed. In addition, in Applicants' Amendment dated August 23, 2004, a total of 33 claims remained after amendment. As noted on the attached Patent Application Fee Determination Record, this information is correct.

However, on February 16, 2005, Applicants submitted by facsimile transmission an Amendment Under 37 CFR §1.116 with a total of 35 claims (claims 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 52, 53, and 54). Applicants note in the February 16 Amendment that claims 53 and 54 were newly added. On March 23, 2005, the undersigned's Deposit Account No. 19-0065 was charged \$50.00 (control number 4) for an extra claim fee, a copy of which is attached. Applicants respectfully assert that the Patent Application Determination Record (copy attached hereto), Amendment B, is incorrect in the

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Docket No. GJE-91  
Serial No. 10/030,868

recitation that 36 claims remain after amendment. Because the highest number of claims previously paid for and the claims remaining after amendment is 35, Applicants respectfully assert that the undersigned representative's Deposit Account should not have been charged for the one (1) extra total claims fee.

Applicants respectfully request that the Patent Application Fee Determination Record be reviewed based on improper claim calculations. The undersigned respectfully requests a refund in the amount of \$50.00 to Deposit Account No. 19-0065.

Respectfully submitted,



Doran R. Pace  
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DRP/sl

Attachments: Copy of Deposit Account statement; copy of Patent Application Fee Determination Record

**United States  
Patent and  
Trademark Office**

**Requested**  
**Statement Month:** Mar-05  
**Deposit Account**  
**Number:** 190065

**Name:** SALIWANCHIK, LLOYD &  
SALIWANCHIK  
**Attention:**  
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**Country:** UNITED STATES OF AMERICA

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DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT
23-Mar	4	10030868	GJE-81	1202	\$50.00

**PATENT APPLICATION FEE DETERMINATION RECORD**  
 Effective 03/1/2001

Application or Docket Number

**10/030868****CLAIMS AS FILED - PART I**

	(Column 1)	(Column 2)
TOTAL CLAIMS		
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	35 minus 20 =	15
INDEPENDENT CLAIMS	3 minus 3 =	0
MULTIPLE DEPENDENT CLAIM PRESENT		<input type="checkbox"/>

\* If the difference in column 1 is less than zero, enter "0" in column 2

**CLAIMS AS AMENDED - PART II**

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	33	Minus 35	= 2
Independent	2	Minus 3	= 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM			<input type="checkbox"/>

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	36	Minus 35	= 1
Independent	3	Minus 3	= 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM			<input type="checkbox"/>

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total		Minus	
Independent		Minus	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM			<input type="checkbox"/>

\* If the entry in column 1 is less than the entry in column 2, enter "0" in column 3.  
 \*\* If the "Highest Number Previously Paid For" in THIS SPACE is less than 20, enter "20".  
 \*\*\* If the "Highest Number Previously Paid For" in THIS SPACE is less than 3, enter "3".  
 The "Highest Number Previously Paid For" Total or Independent is the highest number found in the appropriate box in column 1.

SMALL ENTITY  
TYPE ☐OR  
OTHER THAN  
SMALL ENTITY

RATE	FEE		RATE	FEE
BASIC FEE	445	OR	BASIC FEE	890
X50=		OR	X518=	270
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL		OR	TOTAL	1150

SMALL ENTITY

OR  
OTHER THAN  
SMALL ENTITY

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X59=		OR	X518=	
X40=		OR	X80=	
+135=		OR	+270=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X59=		OR	X518=	50.00
X40=		OR	X80=	
+135=		OR	+270=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	50.00

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X59=		OR	X518=	
X40=		OR	X80=	
+135=		OR	+270=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	